

**REGULAR MEETING OF THE WYOMING BOARD OF
ADJUSTMENTS –
Wednesday December 21, 2022 @ 5:30 p.m. @
Wyoming Town Hall**

Mr. Barrett Edwards called the public hearing for the variance request for 317 N. Layton Ave to order at 5:05 p.m.

BOARD MEMBERS PRESENT: Ernie Pizza, Patricia Heide, Jimmy Winchell, and Annette Cooper

OFFICE STAFF: Roseann Lamar-Town Clerk, Michael Wooleyhand-Town Manager

TOWN SOLICITOR: Barrett Edwards, ESQ

AUDIENCE PRESENT: Dorothy Kope, Denise Rothermel

Mr. Edwards made a motion to accept the agenda as presented.

Mr. Edwards introduced and read the nature of the proceedings to the Board Members as presented in their packets.

Legal notices and the exhibits in the Board Members' packets were presented.

Nature of the Proceedings:

- Ms. Dorothy Kope has applied for a variance for 127 S Layton Ave.
- The property is zoned (R1) Single-Family Residential.
- The Land Use & Development Code establishes a minimum side yard setback of ten feet (10).
- The applicant is seeking a two-foot (2) variance from this requirement in order to build a garage addition to the home.

After being sworn in Mr. Wooleyhand read into the record the dates and locations of the public hearing notices. The public hearing notice was published in the Delaware State News on December 8, 2022. Notice was posted at Town Hall on December 7, 2022. Notices were mailed to the property owner and abutting property owners on December 7, 2022. The application and accompanying exhibits were entered into the record as Exhibit A. The Planning Commission reviewed the variance application on February 23, 2022, and unanimously voted to move the request for to the Board. The Planning Commission's meeting minutes were entered into the record as Exhibit B.

Testimony

The applicant, Ms. Dorothy Kope explained to the Board that she had been using the property as a rental for a number of years and she was looking to renovate to use it as her primary dwelling. She indicated that the lot was a narrow lot, and in order to have a nine-foot (9) garage door she would need to add a twelve-foot (12) garage on the property, which would encroach into the two-

feet (2) setback. Ms. Kope stated that there are no houses along the property line where the variance was being sought and that the variance would not negatively impact the neighbors or the good of the public. She testified that without the variance it would be difficult to improve the property with a garage and she might have to consider adding a carport instead. Ms. Kope also testified that the property adjacent to the side yard where she was proposing the addition also had a garage addition that came very close to the property line.

Questions

Ms. Annette Cooper wanted to know if this Variance request would mean that this property is now grandfathered in. Mr. Edwards stated that no, that Ms. Kope would have to go by the current Land Use and Development Code setbacks for the R1 (residential) zone.

Public Comments

Ms. Denise Rothermel stated that she was glad to see that the property is being cleaned up. Stated that the property at 129 S. Layton Ave is a nuisance to look at.

The Public Hearing adjourned at 5:15 p.m.

The Business Meeting was called to order at 5:16 p.m.

Discussion on the impact of granting the variance and decision on whether to approve variance request. Based on the information that Ms. Dorothy Kope presents to the board they did not see any reason as to why this would affect the neighboring properties in a negative way. The board feels that Ms. Kope should be granted this variance, this will allow the lot to be more usable, and allows for reasonable improvements to the property.

Mr. James Winchell made a motion with a seconded by Mr. Ernie Piazza to approve variance request for the additional two-foot (2) setback. Ms. Patricia Heide, Ms. Annette Cooper, Mr. James Winchell, Mr. Ernie Piazza, Aye. None opposed. The motion to approve passed.

The meeting adjourned at 5:20p.m.

Roseann Lamar,
Town Clerk